

**MINUTES OF THE PUBLIC HEARING
LAKE COUNTY SUBDIVISION REGULATIONS
March 28, 2006**

Mr. Brotzman opened the meeting by saying that Russell Schaedlich resigned his position as Chairman of the Planning Commission due to health concerns.

Mr. Brotzman announced the Public Hearing open at 6:30 p.m. and read the Notice of Public Hearing that was posted in the News Herald on February 24 and March 13, 2006.

NOTICE OF PUBLIC HEARING

Notice of public hearing is hereby given to amend the Lake County, Ohio Subdivision Regulations for the unincorporated areas of Lake County to be held at 6:30 p.m. on March 28, 2006 at 125 East Erie Street, Painesville, Ohio in accordance with Sections 711.10, 711.101, 711.131, and 711.133 of the Ohio Revised Code to consider amendments to the Lake County Subdivision Regulations.

Such amendments pertain to the addition of new Article I, General Provisions; Article II, Definition of Original Tract; and Article III, Plats and Plans. These are on file in the Lake County Planning Commission office, 125 East Erie Street, Painesville, Ohio.

Russell D. Schaedlich, Chairman

Darrell C. Webster, Secretary

February 24, 2006

March 13, 2006

Mr. Webster said that there were four comments submitted concerning the changes. Ms. Pesec said that she would like to see the time limit on a preliminary plan reduced from three years to one year because it was more appropriate to grant variances on time rather than have a three year and see what is happening in terms of the subdivision.

Mr. Radachy read the first definition of original tract. *“Each Lake County parcel issued a permanent parcel number by the Auditor in the unincorporated areas may be split into four plus a remainder, so long as the splits and remainder meet all township zoning requirements and all county regulations that apply.”* The second definition of original tract was read. *“Any unsubdivided tract of land established by legal description and of record on January 1st of any calendar year.”* The definition of subdivided was read as follows: *“Subdivided: Any tract of land divided by minor subdivision as defined by ORC 711.131 and these rules or any lot divided by major subdivision as defined by ORC 711.10 and these rules.”* ORC 711.131 is the lot split law and ORC 711.10 is major subdivisions law.

Mr. Webster said we will define what a subdivision is in the next meeting.

Mr. Radachy said in cases where a temporary cul-de-sac is up against a property, having a definition of subdivision will allow enforcement of Article 4, Section a (1), saying, *“Subdivisions shall show an arrangement of streets where provision of continuation of existing streets into adjoining areas with proper projection where land is not subdivided.”* This definition of subdivision will allow us to determine where land is subdivided and where land is not subdivided.

Mr. Brotzman asked about the first definition of splits and frequency of splits, such as per property owner. Splits are defined through parcel numbers not owners.

Mr. Radachy said the splits are per parcel. The “strawman” was eliminated because the auditor accepted “from yourself to yourself”. A prosecutor’s opinion states that each owner can have four splits and a remainder. The remainder ends up with the original parcel number.

Mr. Webster said that we have been doing this all along, but needed to put it in writing.

Mr. Simon said the auditor could change the interpretation as to who receives the parcel number.

Mr. Radachy said if they change the way they do the parcel number, then we can redo the definition if it does not work. The law says we have until April, 2007 to come up with a definition.

Mr. Simon said, if the person doing the split is aware that the original parcel number will be kept for the larger piece for any potential split, they have eliminated the probability of doing any splits. If a new auditor determines that the largest piece keeps the original parcel number and everything else is different, so everybody knows that if that is the case, there will only be four splits.

Mr. Brotzman asked how the splits are tracked.

Mr. Radachy said the Planning Commission has recorded the splits since 1965 in a tax book. The splits are recorded to determine if a split is possible.

Mr. Brotzman brought attention to additional comments about the changes to the Subdivision Regulations. Mitch Ferguson of the County Engineer’s office said he would like a statement included saying, *“All subdivision plats were to follow OAC 4733-37 and the survey requirements per the Lake County Conveyance Standards.”*

Mr. Brotzman read a letter from Dan Donaldson, District Administrator for the Soil and Water Conservation District. *“In order to ensure thorough subdivision reviews by the Lake County Soil and Water Conservation District, the District proposes the following additions to Article III Section D(1)(k) of the Subdivision Regulations:*
k. drainage channels, lakes, ponds, professionally delineated streams and wetlands of any type, location of floodways, flood plains, and any other potentially hazardous areas and other water courses and basins;” Mr. Donaldson added, *“In order to better serve the Planning Commission concerning natural resource impacts to the County and Townships the District feels that providing accurate delineated stream and wetland information on the now required preliminary plan will reduce the number of plan revisions and reconfigurations resulting from state and federal requirements as projects move forward into the preliminary and final improvement drawing phases of review.”*

Mr. Brotzman read a third comment submitted by Prosecutor Charles Coulson and Assistant Prosecutor Pat Nocero. He read the applicable portion. *“It would be our recommendation that a provision be added to both Article III, Section 3, Paragraph D, Subparagraph 2c and to Article III, Section 6, Paragraph D, Subparagraph 2(a) that require proof that the subdivision complies with applicable zoning regulations.”*

Mr. Brotzman asked for comments. There being no further comments or correspondence, he closed the meeting at 6:52 p.m.

Timothy C. Brotzman, Chairman

Darrell C. Webster, Director/Secretary

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION**
March 28, 2006

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Secretary Webster called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs., Aveni (alt. for Aufuldish), Brotzman, Fitzmaurice, Franz (alt. for Schaedlich), Klco (alt. for Troy), Morse (alt. for Adams), Smith (alt. for Sines), Siegel, Simon, and Hausch. Staff present: Messrs. Radachy, Webster, and Ms. Truesdell.

Mr. Webster said that both the Chairman, Mr. Schaedlich, and the Vice Chairman, Mr. Brotzman, resigned their positions. Mr. Schaedlich's resignation was due to health reasons. Due to the advice of the Assistant Prosecutor, Mr. Brotzman's resigned in order for both positions to be elected at this meeting. They will continue as Board members. The Assistant Prosecutor recommended that the Board elect a Chair Pro Tem. Mr. Webster opened the floor for nominations for a Chair Pro Tem.

Mr. Siegel nominated Mr. Brotzman to be Chair Pro Tem. Mr. Fitzmaurice seconded the motion. There being no more nominations, Mr. Webster called for a motion to close nominations and cast a unanimous vote to elect Mr. Brotzman as Chair Pro Tem.

Mr. Siegel moved and Ms. Hausch seconded the motion to close nominations and cast a unanimous vote for Timothy Brotzman as Chairperson Pro Tem.

All voted "Aye."

Mr. Brotzman asked for nominations for Chairperson. Mr. Siegel nominated Mr. Brotzman as Chairperson. Mr. Aveni seconded the motion. There being no further nominations, Mr. Brotzman closed nominations and all voted "Aye."

Mr. Brotzman called for nominations for Vice Chairperson.

Mr. Simon moved to nominate Mr. Siegel for Vice Chairperson.

Ms. Hausch seconded the nomination. There being no further nominations, Mr. Brotzman closed nominations and called for a vote. All voted "Aye."

Mr. Brotzman and Mr. Webster joined members of the Planning Commission in wishing Mr. Schaedlich and Mr. Adams a speedy recovery.

Mr. Franz left the meeting for personal reasons.

MINUTES

Mr. Klco said he recollected that the Coastal Plan needed a 25% match, not a 20% match as indicated on page 17. They needed 25% of 80 million dollars.

Mr. Brotzman said that on page 9 it should state that Mr. Brotzman "attended a meeting", not "written a letter" to the Sanitary Engineer.

Mr. Siegel moved and Mr. Simon seconded the motion to approve the minutes of the February 28, 2006 meeting as corrected.

Nine voted "Aye".
Mr. Aveni abstained.

FINANCIAL REPORT

Ms. Hausch moved to approve the financial report for February, 2006 as submitted. Mr. Simon seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Mr. Condon said that there has been no decision from the 11th District Court of Appeals on the Driftwood vs. Eye Will variance case. Oral arguments were heard two months ago.

DIRECTOR'S REPORT

North Perry Village Comprehensive Plan

Mr. Webster said that staff had met with North Perry Village to discuss their comprehensive plan with a timeline of twelve months with a cost to North Perry Village of \$9,500.

Ms. Hausch moved and Mr. Simon seconded the motion to approve of the Planning Commission doing the comprehensive plan for North Perry Village.

All voted "Aye".

2005 Annual Report

Mr. Webster directed attention to the 2005 Annual Report requesting their comments prior to posting it on the website. He pointed out that due to a computer problem, Mr. Simon's name was left out as a member of the Planning Commission. This has been corrected. A replacement handed out.

Mr. Siegel requested a list of the members' phone numbers. Mr. Webster indicated that could be done.

Mr. Simon moved and Mr. Fitzmaurice seconded the motion to approve of the 2005 Annual Report.

All voted "Aye".

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Cambden Creek Estates, Phase I, Variance to Article V, Section 7 A(a & b)

Cambden Creek is located with State Route 44 to the west and Girdled Road to the north. The sanitary sewer is on Girdled Road. It flows to the north through Pipers Trail in an easement back to Cambden Creek Drive into an easement to Girdled Road. The Utility Department requires the developer to post a full surety for Phase II because the sanitary was removed from this phase. Currently, curbs, sanitary, water and storm sewers are installed. The roadway has to be done. The developer is unable to provide a full construction surety for this phase because the monies he secured for the construction of this phase went to secure the construction of the second phase and are being held as per the Lake County Utilities Rules and Regulations. The County Engineer recommended to deny the variance because to do a partial surety, the County Engineer must redo the construction estimate. The developer is asking to post a partial surety. If the developer fails to complete the project, there is no money available for the County to finish the project. This could leave a half finished road.

Until January of 2005 we were accepting partial sureties. The Engineer and Utilities requested that we no longer accept partial sureties. Phase I was started seven months after the new policy.

Tom Beutler of Land Design said the developer did not have the money to bond Phase II in order to start Phase I so he was forced to start the improvements without being able to bond them. They must come up with a surety of 110% of the project for Phase I, having to go through Phase II to get to Phase I working on both ends of the development. He cannot provide 110% surety to reduce it to 20%. An amount of \$232,000 is needed to complete grading and pavement work. Normally, Phase II would not have to be bonded to complete Phase I.

Mr. Radachy said that developer is asking to go from \$718,000 to \$232,000 which would have to be approved by the County Engineer and sent to the Commissioners as a request for a partial surety if this variance is granted. What they are asking is that instead of posting the full amount, start out at that lower amount, have the County Engineer certify what has been done and come up with a reduced number.

Mr. Webster advised the developer that he could get the construction sureties posted on County Engineering portions and a maintenance surety posted for Utilities, then the plat can be approved at the Commissioners meeting and recorded shortly thereafter.

Mr. Simon said if we approved the requested \$232,000 and the Engineer chooses a different amount, then this has to come back again, so the developer is limiting himself by saying \$232,000.

Mr. Condon said they can reapply if they change the amount.

Mr. Klco moved and Mr. Smith seconded the motion to approve the \$232,637.60 for a Variance to Article V, Section 7 A(a & b) for Cambden Creek Estates, Phase I in Concord Township.

Eight voted "No".
Mr. Aveni abstained.
Motion failed.

Concord Township - Mountaintop Estates Subdivision, Preliminary Plan, 24 Lots

Mountaintop Estates is located north of Pinecrest Road, east of Humphrey Hill and south of Mountainside Farms Phase III.

Mr. Radachy said there is an easement on the property they do not own so the owners must either sign the plat or obtain a stormwater easement prior to the plat being filed. He pointed out a piece of property that does not meet zoning because it is too small and needs to be attached to subplot 9, Slowey's property, or Molter's property. The existing house on the site does not meet minimum rear yard clearance requirement of 40 feet and should be removed. Staff is recommending approval subject to stipulations.

Proposed Plan Stipulations:

1. State the purpose of the easement to the homeowners association on the plat.
2. On sublots 1, 7, 8, 9, 10, 11, 12, 13, and 14, change the storm sewer easement to local service drainage easement on the final plat.
3. Detention ponds shall be in local service drainage easements with maintenance for those easements stated on the final plat.
 - a. Detention/retention basins should be maintained by Homeowners' Association or other entity. *Concord Twp. Service Dept.*
 - b. Who will maintain the detention ponds? The Township does not want responsibility. *Concord Twp.*
4. Storm sewers connecting the catch basins on the road and the detention pond on subplot 1 shall be in a drainage easement to the Township on the final plat.
5. There shall be a landscape easement for the island in the cul-de-sac; maintenance for the island landscape easement shall be stated on the plat.
7. Until Mountainside Farms Phase 3B is filed, the parcel number and ownership of the unsubdivided land shall be shown on the plat.

8. Slowey Insurance either needs to sign the plat or dedicate the local service drainage easements by deed prior to the filing of the final plat.
9. Proposed contours not indicated. *Lake County Engineer*

Proposed Design Stipulations:

1. The developer shall provide a construction easement to Pinecrest Road during the construction of the road and improvements.
2. Sublots 5 and 11 need to have the width at the setback verified.
3. The existing house on proposed subplot 8 does not meet the minimum rear yard clearance requirement of 40 feet, as set forth in Section 15.07 of the Concord Township Zoning Resolution, and should be removed as noted. *Concord Twp.*
4. The proposed .2404 acre parcel fronting on Pinecrest does not meet the minimum lot area requirement of 22,000 sq. ft., as set forth in Section 15.04 of the Zoning Resolution and should be combined with the adjoining lot as noted. *Concord Twp.*
5. Specify on the plat that a proposed house on subplot 1 must face Butler Hill Drive, in order to comply with the applicable setback requirements set forth in the Zoning Resolution. *Concord Twp.*

Proposed Technical Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. All signage must comply with the Ohio Manual of Uniform Traffic Control Devices. *Concord Twp. Service Dept.*
5. ESC Plan shall be developed and submitted to the District for review and approval. *LCSWCD*
6. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copies to the District. *LCSWCD*
7. Wetland delineation shall be copied to District. *LCSWCD*

8. Final approval could be forthcoming when detailed construction plans are submitted to the Lake County Department of Utilities for review. *L.C. Utilities*
9. Island cul-de-sac must conform to Concord Twp. Resolution 2004-5. *Concord Twp. Service Dept.*
10. Fire flows must meet the ISO minimum requirements for size, type and spacing for structures built. *Concord Twp. Fire Dept.*
11. Spacing of fire hydrants will be determined by Concord Township Fire Department and based on a case-by-case review. *Concord Twp. Fire Dept.*
12. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
13. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations. *Concord Twp. Fire Dept.*
14. Plat shall make reference to a minimum of two Ohio State Plane Coordinates. *L. C. Engineer*
15. Submit wetland approval from USACE. *L. C. Engineer*
16. Prior to issuance of a final Certificate of Occupancy, the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be used by the Lake County Building Department until or unless the building official inspects the building or structure and finds no violations of the provisions of the 2004 Residential Code of Ohio for One, Two and Three-Family Dwellings, or other laws that are enforced by the Lake County Building Department. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy. *Building Department*

Technical Comments:

1. The developer should work with Mountainside Farms to provide water through this subdivision to Mountainside Phase 3B.
2. Concord Township Fire Department will require a street name change if it is determined one is similar to another already established in Concord Township. *Concord Twp. Fire Dept.*
3. A hydrant shall be placed at the entrance of the cul-de-sac (Permanent or Temporary). *Concord Twp. Fire Dept.*

Comments:

1. Permanent cul-de-sac should conform to Concord Resolution 2004-5. *Concord Twp. Service Dept.*
2. Streets and fire hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
3. Building numbers must be provided and installed prior to occupancy of any structure. *Concord Twp. Fire Dept.*
4. Street name signs and "No Parking on Hydrant Side of Street" signs shall be provided and installed prior to the start of construction of any structure. *Concord Twp. Fire Dept.*
5. Street name signs and mailbox house numbers must be double sided. *CTFD*

6. Concord Township Fire Department will NOT approve “stub streets” of any length. Temporary cul-de-sacs must be provided with a minimum pavement diameter of 120 feet. *Concord Twp. Fire Dept.*
7. All contractors are to be instructed NOT to park on the hydrant side of the street during any construction. *Concord Twp. Fire Dept.*

Mr. Smith asked if it was the intent of the developer to remove the house.

Mr. Radachy said even though there is a note in the plan to remove the house, staff and Township stipulated it anyway. Private preservation easement was marked on the plat. Language specific to that easement was on the cover of the plat. That will be the same for this project as it will be deed restricted so that no one disturbs the wetlands. Once the plat is filed, it will be the homeowners association responsibility. It will be deed restricted unless they could find someone to take the conservation easement.

Mr. Klco asked for clarification on the wetlands.

Irving Fine spoke on behalf of Mountainside Farms saying none of the property owners have been notified of the development.

Mr. Webster said that Planning Commission is not required to notify adjacent property owners.

Mr. Fine said the Homeowners Association of Mountainside Farms met with the developer and agreed to cooperate and hold a similar homeowners association meeting. The only entrance to Mountaintop Estates is through Mountainside Farms. The boulevard entryway has been damaged and repaired. He thought the developer should repair any other damage to the entryway. He said the pond on lot 1 is against lot 29 in Mountainside Farms and is below the road grade. The retention pond should border lots in Mountaintop Estates rather than bordering Mountainside Farms.

Mr. Radachy said the County Engineer and Soil & Water Conservation District will be responsible for locating the retention pond. This a preliminary plan with a proposed site.

Mr. Radachy asked Mr. Scharver if they considered adjacent property when locating ponds.

Mr. Scharver said he would defer to the County Engineer to answer that question even though they seek the Soil and Water Conservation District’s opinion.

Mr. Radachy said that Mountainside Farms Phase I is a recorded subdivision and Humphrey Hill Drive is Concord Township’s responsibility to maintain.

Richard Iafelice, 8130 Humphrey Hill, spoke as President of Mountainside Farms Homeowners Association saying that they have proposed having SBS Mountain LLC join their association. Having met with the developers, they indicated that they would use Pinecrest Road for construction access and consider reconfiguring the pond in front of Valentino’s.

Mr. Siegel moved and Mr. Morse seconded the motion to approve the preliminary plan for Mountaintop Estates Subdivision with submitted stipulations and comments in Concord Township with 24 lots.

Nine voted “Aye.”
Mr. Aveni abstained.

Concord Township - Mountainside Farms Subdivision, Phase 3A & B, Variance to Article I, Section 4(B)-Grading

Mr. Radachy said Mountainside Farms is located to the north of Mountaintop Estates. Currently, under subdivision regulations, the developer is permitted to remove the trees but must leave the stumps. They are requesting a variance to Article I, Section 4(B) to remove the stumps and do preliminary grading, and set up soil erosion controls. Staff, County Engineer, and Soil and Water are recommending approval of the variance. The Ohio Department of Natural Resources Division of Wildlife and the US Fish and Wildlife Service have instituted a deadline for these operations to be completed before April 15 of any given year in an area that may be ideal for the yearly habitation of certain types of bat species. Since they have started cutting trees with heavy equipment it is recommended that they do preliminary grading and apply a mulch cover to stabilize the sight.

Drawings were approved by the County Engineer and are now at the Sanitary Engineer's office.

Mr. Simon moved and Mr. Fitzmaurice seconded the motion to approve of the Variance to Article I, Section 4(B)-Grading for Mountainside Farms Subdivision, Phase 3A & B in Concord Township.

All voted "Aye."

Perry Township – Azalea Ridge Subdivision, Resubmitted Final Plat, 46 Lots

Mr. Radachy said that Azalea Ridge Subdivision was tabled last month. He requested that it be removed from the table.

Mr. Fitzmaurice moved and Mr. Siegel seconded the motion to remove the Azalea Ridge Subdivision, resubmitted final plat from the table.

All voted "Aye."

Mr. Radachy said the preliminary plan was approved last month but the final plat was tabled. The plat has been resubmitted.

Proposed Final Plat Stipulations:

1. No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of a subdivision before such plat has been approved and recorded in the manner prescribed herein. *Article VI Section 2*
2. Remove the language granting the homeowners association power to approve grading in the local service drainage easement language and the drainage easement language. *LCPC*
3. Add access easement language to the cover sheet. *LCPC*
4. Kurt West will either have to sign the plat to dedicate the utility easement on his property or provide a utility easement by deed and legal description prior to the filing of this plat. *LCPC*
5. The local service drainage easement shall conform to the approved language from the Lake County Planning Commission and Lake County Prosecutor. *Article III Section 6(D)(1)(o)*
6. The plat and the improvement plans shall conform. Sublots 44, 45, 46 have changed, they need to be adjusted on the improvement plans. *Article III Section 4(A)*
7. Perry Township Zoning Resolution Section 307.04 h 2 states that "No building, structure, or parking area shall be located closer than 50 feet to any project boundary line in a Planned Unit Development The 40-foot existing setback line on subplot 11 shall be

changed to a 50-foot setback line as per Perry Township Zoning Resolution. *Article IV Section 3(A)(3)*

- 8. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for review. *Utilities Department*
- 9. Along Middle Ridge, show offset to Original Lot Line 72/73 monument; describe monument found and used. Otherwise, tie the subdivision into the iron pin at the intersection of Call Road and Middle Ridge. *Lake County Engineer*
- 10. Check closure; submit closure sheet with mylar. *Lake County Engineer*

Proposed Final Plat Comments:

- 1. The 50-foot setback should be shown on Block “E”. *LCPC*
- 2. The plat cannot be used to transfer the blocks from the developer to another owner. This will have to be done by deed. *LCPC*

Proposed Improvement Plan Comments:

- 1. If they desire underground electrical service, they must submit electrical layout drawings to us before they start construction. *Painesville City Electric*
- 2. They must design electric system per City guidelines. *Painesville City Electric*

Mr. Radachy said there are no major issues with the plat. He said proposed final plat stipulations 2 and 3 remove language granting the homeowners association power to approve grading in local drainage easement areas and adds access easement language to the cover sheet. Stipulation 4 states that Kurt West will have to sign a utility easement. Stipulation 6 says that sublots 44, 45, and 46 need to be adjusted on the improvement plans. Stipulation 7 says that the 40-foot setback line needs to be changed to a 50-foot setback line. Staff recommended approval of the final plat.

Mr. Brotzman asked about an open area adjacent to sublots 29-31 which are adjacent to the pond.

Mr. Radachy said the 50-foot setback is supposed to be more than two acres of open space.

Ms. Hausch moved and Mr. Fitzmaurice seconded the motion to approve of the final plat for Azalea Ridge Subdivision in Perry Township.

Nine voted “Aye.”
Mr. Simon abstained.

Mr. Brotzman announced a break in the meeting at 8:50 p.m.

The meeting resumed at 8:55 p.m.
LAND USE AND ZONING REVIEW

Mr. Brotzman moved items on the agenda to hear Concord Township’s proposed text change to Section 20.04.

Concord Township – Proposed Text Change 20.04, Minimum Lot Size

Mr. Radachy said staff wanted to point out that there are two zoning text changes in R-6 that were requested by the Homeowners Association of Mount Royal Subdivision. Mount Royal Subdivision is located off Hermitage Road, south of Pinecrest Road. Currently, Mount Royal is the only area that is zoned R-6. But this does not mean that R-6 cannot be used in other areas of the Township. Other land owners may ask for the district change to R-6. The Land Use and

Zoning Committee and the Planning Commission should not use a site-specific reason to justify a zoning text amendment.

Mr. Radachy said the text change to Section 20.04 defines a lot size in R-6 district. There is a two-acre minimum unless sanitary sewer is available, then it becomes one-acre. When this subdivision was built, there were no sanitary sewers or water. The Homeowners Association of Mount Royal is requesting that the R-6 be increased to two acres and eliminate the reduction for sanitary sewer and water. ORC 519.02 allows townships to regulate sizes of yards, setback lines and density of population in the interest of public health and safety. Staff and the Land Use and Zoning Committee could not find any health or safety reasons to recommend this zoning amendment, especially with sanitary sewer being installed in the subdivision. They believed the lot size should remain at two acres and be allowed the reduction if sanitary sewer becomes available. Sanitary sewer is now being installed. They are trying to avoid homeowners splitting their lots.

Mr. Radachy said if it is a neighborhood issue, they can do this through deed restrictions. If someone decides to come to the Planning Commission for a lot split, staff can split it because it is one acre with sewer and water present, then it is up to the homeowners association to take that homeowner to court.

All the lots are a minimum of two-acres. This is a text change so that if R-6 is adopted, this zoning can be used anywhere in the Township. R-4 is one-acre regardless if there is sanitary and water available or if there is not. In R-4, the frontage is a minimum of 100 feet. In R-6, the frontage is a minimum of 75 feet of right-of-way and 150 feet at the building setback line.

There is also the issue of affordability. Larger lots are more expensive and could be used to exclude people from the area.

Mr. Radachy discussed the proposed text change 20.08, Minimum Dwelling Size.

Concord Township – Proposed Text Change 20.08, Minimum Dwelling Size

Mr. Radachy said that Ohio Revised Code 519.02 allows townships to regulate size of buildings and number of stories in the interest of public health and safety. The applicants wished to make the following changes:

Type	Current	Proposed
Ranch	1200	2800
Ranch (no basement)	1300	2800
More than one story	1500 w/ 800 on main floor	2800 w/ 2200 on main floor
More than one story (no basement)	1600 w/ 800 on main floor	2800 w/ 2200 on main floor

Mr. Radachy said the Land Use and Zoning Committee did not see any health or safety reasons to increase the lot or unit size. Larger lot and unit sizes are a form of exclusionary zoning.

Staff and the Land Use and Zoning did not recommend approval of this zoning amendment. There are no public health or safety issues that would warrant larger houses.

Bryan Flanigan of 10705 Mount Royal in Concord Township is president of the Homeowners Association. He is requesting a text change to R-6 zoning saying a 20.04 minimum lot area should be two acres whether served by public sewers or septic. The next change is to 20.08 minimum dwelling area. He is proposing that single family dwellings be 2,800 square feet for a single story home and a two story home should have at least 1,600 square feet on the main level or first floor. After having bought two-acre lots, the homeowners are having sanitary sewers installed at their own expense. When the first sewers were done, a homeowner applied to have one lot split into two one-acre lots and there are 13 lots which meet the minimum frontage for lot splits. The deed restrictions are difficult to enforce. There is a

3/4-acre minimum under R-1, a one-acre minimum under R-4 and if R-6 is made like R-4, then there is no need for R-6. This is only 132 acres of Concord. Homeowners do not want to improve the property and then have lot splits. Residents would like to create a stable R-6.

Mr. Radachy said that township zoning should enforce lot size issues and the owners can continue to have two-acre lots. They need to amend their homeowners association documents and add it as a deed restriction.

Mr. Brotzman asked if it would not be better to define a whole new zoning district.

Mr. Radachy said it is simpler to create a minimum lot size.

Mr. Simon thought it would be wise to follow through with the residents' request. If the zoning existed at the time of purchase, then you should not be allowed to split it for economic gain.

Mr. Brotzman said they are making the improvement and want to protect their investment. Maybe the residents need wording saying you can not split a two acre lot in an R-6 district.

Mr. Simon said historically, the community and neighboring property owners traded large lots for not contesting the zoning change from Research and Development. They never thought they would get sewers.

Mr. Radachy said the Land Use and Zoning did not recommend the text change to 20.04, Minimum Lot Size. If the text change is done it would be a two-acre minimum lot size.

Mr. Simon moved and Mr. Fitzmaurice seconded the motion to recommend approval of Proposed Text Change 20.04, Minimum Lot Size in Concord Township.

Nine voted "Aye."
Mr. Aveni abstained.

Mr. Radachy said Land Use and Zoning Committee recommended to not make the text change to Section 20.08 saying that there are no health or safety issues that would warrant larger houses.

Mr. Siegel moved and Mr. Morse seconded the motion to recommend approval of the proposed text change 20.08, Minimum Dwelling Size in Concord Township.

All voted "Nay."

Concord Township – Proposed District Change 0.7945 Acre from R-2, Residential to B-1, Restricted Retail

Mr. Radachy said the site is located on Ravenna Road just south of Concord-Hambden Road. The parcel to the north is zoned R-1, but was recently recommended to become B-1 and the parcel to the south is zoned R-1. Currently, sanitary sewer service is not available. The Lake County Utilities Department is currently working on a project to bring sanitary sewer service to the site. Limited amount of commercial uses are allowed under the R-2 text. The Waffle House restaurant and offices in Grist Mill are zoned R-2. There is a greater amount of restrictions on the commercial units in the R-2 compared to the B-1.

Staff recommends not making the change. These uses are similar to what the 2004 Concord Township Comprehensive Plan has envisioned for this area. Changing the property to B-1 would allow more uses. The lot is only 100 feet wide. Changing the zoning would make it difficult to use. B-1 requires a 50-foot buffer along the side that is zoned residential and a 20-foot sideline clearance on the side that is zoned commercial or industrial. Most of the lot would be taken in buffers and setbacks. It would not be usable for buildings. This would also be a good place to stop the B-1. There was concern about B-1 zoning continuing down the corridor. If the B-1 did not stop here it could go as far as Riding Trail, the road that connects Ravenna

Road and Hunting Lake Drive. If they go to B-1, they would not have to deal with the Quail Hollow PUD or have get homeowners' association approval, or have to put stone on the exterior. He could go the Board of Zoning Appeals and get the buffer reduced.

Mr. Simon moved and Ms. Hausch seconded the motion to accept the recommendation of the Land Use and Zoning Committee to deny the proposed district change of .7945 acres from R-2, Residential to B-1, Restricted Retail in Concord Township.

All voted "Aye."

Madison Township – Proposed District Amendment, 15.45 Acres from Partial B-2, Highway Business and A-1, Residential to all B-2 on Parcel #'s 01B111- 4 & -5

Mr. Radachy said that current zoning of the site has 500 feet of B-2, Highway Business & A-1 Agriculture. The estate of William Guyer wishes the entire property, 15.45 acres, to be zoned B-2, Highway Business. The lot frontage is located on US 20. Sanitary Sewer was recently brought to this area. This site is across the street from the new Wal-Mart.

The 1996 Comprehensive Plan stated that this area should keep its split zoning. This is a speculative rezoning request without a plan and the only entrance is onto North Ridge Road, which would require ODOT approval. It is also 1200 feet to the rear of the property. The visibility for retail is questionable. There seems to be wetlands on the property that can be mitigated. Staff agreed and stated that the amount to mitigate would not be cost prohibitive for commercial land, so that should not be considered a major factor.

Staff and the Land Use and Zoning Committee made the recommendation to not make the zoning district change because it does not conform to the Comprehensive Plan.

Mr. Siegel moved and Ms. Hausch seconded the motion to accept the recommendation of the Land Use and Zoning Committee to deny the proposed district change from of 15.45 acres from Partial B-2, Highway Business and A-1, Residential to all B-2 on Parcel #'s 01B111- 4 & -5.

All voted "Aye."

REPORTS OF SPECIAL COMMITTEES

There were no special committee reports.

CORRESPONDENCE

There was no further correspondence.

OLD BUSINESS

Public Hearing on Subdivision Regulations

Mr. Webster asked the members what action they would like to take on changes to the Subdivision Regulations as a result of the Public Hearing.

Mr. Simon said he would like to discuss them more at the next meeting. It was agreed to continue discussions of the changes to the subdivision regulations at the April meeting.

NEW BUSINESS

Ms. Hausch asked if Mr. Tasman received approval to attend the national convention of the American Planning Association in San Antonio.

Mr. Webster said the Commissioners did not approve the request.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Siegel moved and Ms. Hausch seconded the motion to adjourn the meeting.

All voted “Aye.”

The meeting was adjourned at 9:53 p.m.

Timothy C. Brotzman, Chairman

Darrell C. Webster, Director/Secretary